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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 MARK MAYES,

9 Plaintiff,

10 v.

11 AMAZON.COM.DEDC, LLC, et al.,

12 Defendants.  
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) Case No. C18-176-MJP  
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)

**ORDER DENYING MOTION  
FOR APPOINTMENT OF  
COUNSEL**

14 *Pro se* plaintiff Mark Mayes, proceeding *in forma pauperis*, moves for appointed counsel in  
15 this civil action against his former employer. (Dkt. 36.) The Court **DENIES** plaintiff's motion  
16 for appointment of counsel.

17 Generally, a person has no right to counsel in civil actions. See Campbell v. Burt, 141 F.3d  
18 927, 931 (9th Cir. 1998). A court has discretion to appoint counsel for indigent civil litigants  
19 pursuant to 28 U.S.C. § 1915(e)(1), but an appointment of counsel should only be granted under  
20 "exceptional circumstances." Agyeman v. Corrections Corp. of Am., 390 F.3d 1101, 1103 (9th  
21 Cir. 2004). When determining whether "exceptional circumstances" exist, the Court considers  
22 "the likelihood of success on the merits as well as the ability of the [plaintiff] to articulate his  
23 claims *pro se* in light of the complexity of the legal issues involved." Weygandt v. Look, 718

1 F.2d 952, 954 (9th Cir. 1983).

2 Plaintiff was previously appointed counsel. (Dkt. No. 14.) After four months of representing  
3 Plaintiff, appointed counsel withdrew. (Dkt. No. 31.) The Court is not inclined to expend  
4 further time and effort, and utilize the limited resources generously offered by the Pro Bono  
5 Panel of attorneys, on a second appointed counsel for Plaintiff.

6 The Court advances no opinion on Plaintiff's likelihood of success on the merits, but does  
7 find, overall, that this matter does not present the kind of exceptional circumstances that would  
8 justify the (second) appointment of counsel in this matter. Plaintiff will proceed *pro se* unless he  
9 can retain counsel.

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11 DATED this 4th day of October, 2018.

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15 The Honorable Marsha J. Pechman  
16 United States Senior District Court Judge  
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